



**DOD RESPONSE TO RECOMMENDATIONS
IN THE SECOND REPORT OF THE
DEFENSE TASK FORCE ON DOMESTIC VIOLENCE
(DTFDV)**

EXECUTIVE SUMMARY

Section 591 of Public Law 106-65, the National Defense Authorization Act for FY 2000, mandated that the Department of Defense create the Defense Task Force on Domestic Violence (DTFDV) for a three-year period. The law required the DTFDV to prepare an annual report of its activities and the activities of the military departments to respond to domestic violence in the military. The law also required the DTFDV to prepare a comprehensive strategic plan for the Department by which the Department may address matters relating to domestic violence within the military more effectively, and to submit those documents to the Secretary of Defense for evaluation.

The DTFDV submitted its first report on February 28, 2001 and its second report on February 26, 2002. Of the 86 recommendations in the second report, 24 are follow-on recommendations from the first report, and 62 are new recommendations. In all, the Secretary:

- Agrees with 16 follow-on and 42 new recommendations, totaling 58 (67 percent)
- Agrees to study 6 follow-on and 9 new recommendations, totaling 15 (17%)
- Disagrees with 1 follow-on and 9 new recommendations, totaling 10 (12%)
- Takes no position with respect to 1 follow-on and 2 new recommendations, totaling 3 (4%) because they are not directed to DoD.

The Secretary's response to each recommendation is set forth in Part I of this report.

In its second report, the DTFDV responded to the three recommendations in the DTFDV's first report with which DoD disagreed. Upon reconsideration of two of its recommendations, the DTFDV now urges DoD to implement fully the Defense Incident-Based Reporting System (DIBRS) at the earliest possible time. (DTFDV Second Annual Report, page x.) DoD agrees with this recommendation. The DTFDV requested DoD to reconsider its disagreement with the other recommendation. DoD has reconsidered its response and now agrees to study the issue raised with certain members of the Task Force. This recommendation, the DoD response, and the revised DoD response are set forth in Part II.

In its two reports the DTFDV has submitted 155 recommendations, of which the Secretary agrees with 116 (75 percent), agrees to study 19 (12 percent), disagrees with only 13 (8 percent) and takes no position with respect to 7 (5 percent). DoD has begun work on the recommendations with which it agrees. Implementation of some of the recommendations will require ongoing collaboration between DoD and the DTFDV during the latter's last year of existence. DoD's implementation of other recommendations, including those concerning training of personnel, will require several additional years to complete.

PART I
RECOMMENDATIONS IN SECTION III OF THE
SECOND ANNUAL REPORT OF THE DTFDV

CHAPTER 1
COMMUNITY COLLABORATION

ISSUE 1A. – COMMUNITY COLLABORATION POLICIES:

That the DoD –

- Issue official instructions as noted below:

Military installation officials should seek to establish relationships which foster collaboration with: community based services for victims of domestic violence; local law enforcement departments; local prosecutor's office(s); and local criminal, civil, and domestic violence court(s). The ultimate goal being the improvement of command awareness of domestic violence issues, improvement of the delivery of services to and safety of victims, and increased accountability of offenders.

DOD RESPONSE: DoD agrees with this recommendation, which is a follow-on from Issue 1.A in the DTFDV's first report.

ISSUE 1.B – LIAISON WITH CIVILIAN COMMUNITIES

That the DoD –

- Use the attached suggested duties to create Domestic Violence Response Coordinator positions at major installations throughout the DoD where such a position does not already exist. Elements of this list should be used to tailor the individual position to the needs of particular installation. [The attached duties are set forth on pg. 28 of the report.]

DOD RESPONSE: This is a follow-on recommendation to Issue 1.B in the DTFDV's first report that DoD establish the position of domestic violence coordinator in large installations, and DoD appreciates the clarification of the proposed responsibilities. DoD had agreed to study such a recommendation. The DoD study will include inquiry into a number of issues:

- (1) the appropriate criteria for determining which installations would need the position,
- (2) whether the proposed tasks duplicate tasks already assigned to personnel,
- (3) whether the proposed responsibilities should be limited to those pertaining to domestic violence or should also include responsibilities pertaining to other crimes,
- (4) whether the position should be located within the offices of law enforcement, staff judge advocate, Family Advocacy Program (FAP), or installation headquarters,

- (5) classification of the proposed position at an correct grade level, and
- (6) other relevant factors, including the cost of implementing the proposal.

- Initiate the process to authorize and resource these positions at all major DoD installations where such a position does not already exist.

DOD RESPONSE: This is a follow-on recommendation to a recommendation in Issue 1.B in the DTFDV's first report. DoD will use the duties in the recommendation above to conduct its study.

ISSUE 1.C – CIVILIAN ORDERS OF PROTECTION

That the DoD –

- Propose to Congress the following recommended legislative language:

SEC. 103. ENFORCEMENT OF PROTECTION ORDERS.

(a) ENFORCEMENT OF PROTECTION ORDERS ON FEDERAL PROPERTY. — Chapter 110A of title 18, United States Code, is amended by inserting after Section 2262 the following new section:

“§ 2262A. Violation of protection order on a federal property

“A person who, on federal property, engages in conduct that violates the portion of a protection order that prohibits or provides protection against violence, threats, or harassment against, contact or communication with, or physical proximity to, another person, or that would violate such a portion of a protection order in the jurisdiction in which the order was issued, shall be punished as provided in section 2262 of this title.”

Sectional Analysis

“The Violence Against Women Act (VAWA), enacted in 1994, required certain protection orders to be enforced across state and tribal lines. 18 U.S.C. 2265-2266. Such protection orders were not entitled to enforcement on military installations. As a result, no enforcement action may be initiated on a military installation for a violation of a valid order issued by a state or tribal court. The foregoing proposed legislative language would enhance enforcement of state and tribal protection orders on military installations by making violation of a protection order on a military installation a criminal offense under federal law.”

DOD RESPONSE: This is a follow-on recommendation to Issue 1.C in the DTFDV's first report. Consistent with its response to this recommendation in the first DTFDV report, DoD defers to the Department of Justice, noting that the proposed legislation may affect federal agencies in addition to the Department of Defense.

DoD is aware that the U.S. Supreme Court declared section 40302 of VAWA, 42 U.S.C. 13981, unconstitutional. However, that ruling has no affect on 18 U.S.C. 2265 and 2265, cited here.

ISSUE 1.D – MILITARY PROTECTIVE ORDERS

That the DoD –

- Adopt the attached standard [Military Protection Order] MPO. [The recommended MPO is set forth on pgs. 32-33 of the report.]

***DOD RESPONSE:* This is a follow-on recommendation to Issue 1.D in the first DTFDV report. DoD agrees with this recommendation and will prepare an appropriate DoD form.**

- Adopt a policy that when the domestic violence offender is a civilian, not subject to the Uniformed [sic] Code of Military Justice, that the appropriate commanding officer issue an emergency order to immediately remove and temporarily bar the offender from the installation.

***DOD RESPONSE:* This is a follow-on recommendation to Issue 1.D DTFDV's first report. Because DoD agrees that the intent of the recommendation is to enhance protection for victims of domestic violence caused by civilians, the Department agrees to study this recommendation, noting the following concerns:**

If adopted by DoD, the recommendation would require commanders to issue such orders with respect to civilian domestic violence offenders, including family members, employees, and contractors, even though commanders have discretion as to whether to issue MPOs with respect to military personnel who are domestic violence offenders. In both circumstances the commander should ascertain whether the victim requests such an order before exercising such discretion. The absence of such an inquiry could have the unintended consequence of creating a disincentive for a victim to report the incident(s).

As written, the recommendation appears to apply only when civilians have been adjudicated as domestic violence offenders. Commanders are authorized to issue MPOs with respect to military personnel whether or not such personnel have been so adjudicated. DoD will work with the DTFDV to ascertain whether the DTFDV intended such a difference.

The second report of the DTFDV notes in its findings (pg. 92) that commanders may have difficulty in barring access to a job, or a facility such as a hospital, on an installation. Such a policy might conflict with provisions in status of forces agreements, contracts, and collective bargaining agreements.

- Include instructions on the issuance of military protective orders into commanding officer training.

***DOD RESPONSE:* This is a follow-on recommendation to Issue 1.D in the DTFDV's first report. DoD agrees with this recommendation.**

ISSUE 1.E – COLLABORATION BETWEEN MILITARY ORGANIZATIONS

That the DoD –

- Reconstitute the DoD level [Family Advocacy Committee] FAC in accordance with DoDD 6400.1.

DOD RESPONSE: While the Department is convinced that we share a common goal with the DTFDV, DoD cannot agree with the recommended methodology. DoD disbanded the FAC in accordance with DoD Directive 5105.18, "DoD Committee Management Program," which states at paragraph 4.1 that "[c]committees shall be established only when their function cannot be accomplished within the existing organizational structure." The FAP Managers at the Service headquarters level meet at least quarterly with the Director, FAP, in the Office of the Secretary of Defense with representatives of other offices participating as required, to develop joint-Service policy and special projects.

- Amend DoDD 6400.1 to require that the DoD FAC meet quarterly.

DOD RESPONSE: For the reason stated previously, this recommendation is moot.

- Amend DoDD 6400.1 to require that each Service establish a Service level FAC.

DOD RESPONSE: Again, the Department and the DTFDV are on different paths to the same goal. Each Service has either already formally established a Service level FAC, has an equivalent working group, or convenes a working group on specific issues related to FAP, as needed. This recommendation is essentially moot.

- Amend DoDD 6400.1 to require that each Service establish and institutionalize the installation level FAC.

DOD RESPONSE: This recommendation is moot, since Program Standard 1.13 of the FAP Program Standards, DoD 6400.1-M, already requires an installation-level FAC.

- Establish as [sic] the DoD level FAC charter to collaborate among the Services to improve command awareness of domestic violence issues, improve the delivery of services to and safety of victims, and to increase the accountability of domestic violence offenders.
- ***DOD RESPONSE:*** DoD will ensure that these goals will guide the deliberations of the FAP Managers working group and other working groups that develop joint-Service policy and special projects with respect to domestic violence.

ISSUE 1.F – POLICIES FOR JOINT SERVICE MANAGEMENT OF DOMESTIC VIOLENCE INCIDENTS

That the DoD –

- Amend [DoD Directive] DoDD 6400.1 to require that not later than 60 days prior to when a service member with an open family advocacy case is scheduled to be transferred from one installation to another, the receiving commanding officer will receive written notification of the pending transfer prior to the move. The receiving commanding officer will then make the determination of whether or not appropriate FAP services are available on the gaining installation to accommodate the case of the transferring service member. Further, if required services are not available, as a matter of DoD policy, the transfer will not be approved.

DOD RESPONSE: DoD agrees with the intent of this recommendation. Moreover, if a FAP case opens within 60 days of the scheduled transfer, the transfer should be delayed since the law enforcement investigation, action in response by the commander, and FAP assessment may not be completed within that period. In addition, the FAP at the receiving installation should make a recommendation to the commander as to whether or not appropriate services are available, including whether or not appropriate services may be available in the civilian community through a contract with the FAP.

ISSUE 1.G – COLLABORATION AMONG MILITARY CRIMINAL INVESTIGATION ORGANIZATIONS

That the DoD –

- Request that the [Defense Enterprise-Wide Working Group] DEW Group create a permanent sub-working group of the [Defense Criminal Investigative Organizations] DCIOs to address domestic violence issues within the Military Services.

DOD RESPONSE: DoD agrees with the DTFDV that adequate attention should be paid to domestic violence issues. However, rather than establish an additional layer of organization, the Department will ensure that the DCIOs will regularly address domestic violence issues.

- Forward domestic violence issues as they relate to law enforcement first responders to the [Joint Security Chiefs Council] JSCC for coordination among the Military Services.

DOD RESPONSE: DoD agrees with this recommendation.

ISSUE 1.H – REVIEW UNIQUE OVERSEAS REQUIREMENTS AND PRE-ASSIGNMENT SCREENING PROCEDURES

That the DoD –

- Develop and disseminate a policy that the Military Services not transfer service members overseas (transfer defined as permanent change of station or extended accompanied temporary duty) nor command sponsor family members for movement overseas who are currently enrolled in a command directed or court-ordered domestic violence (family advocacy) program until that program is complete, or until it is determined that the receiving installation is willing and able to provide the required services.

DOD RESPONSE: DoD agrees with the intent of this recommendation, but will study its implementation with the DTFDV, particularly, each Service’s personnel center would receive notification that a service member should not be transferred or that family members should not be sponsored for overseas under such circumstances.

- Develop and disseminate a policy that the Military Services not transfer service members overseas nor command sponsored family members for movement overseas who have been arrested for, or are pending court (civil or criminal) appearance for domestic violence, until their case has been appropriately adjudicated and any court or command ordered sentence or action is completed.

DOD RESPONSE: DoD agrees with this recommendation.

ISSUE 1.I – RETURN OF SERVICE MEMBERS AND/OR FAMILIES AS A RESULT OF AN OVERSEAS DOMESTIC VIOLENCE INCIDENT

That the DoD –

- Establish a procedure to return service members and/or their families to the United States from overseas assignments as a result of a domestic violence incident, based on the command assessment of the severity of the incident and the availability of needed domestic violence services at the overseas location.

– Command assessment should include input from, but not limited to, law enforcement, family advocacy, and medical professionals. If these individuals are not available locally, the nearest relevant professionals need to be consulted.

DOD RESPONSE: DoD agrees with the intent of this recommendation, but will study its implementation to ensure that it will not foster manipulation of the assignment process.

DoD notes that such input should also include input from the victim. In some cases the victim may feel safer in the current environment than in the proposed relocation to the U.S. Input may also include advice from the chaplain, to the extent that it does not compromise the clergy-penitent relationship, and from the Staff Judge Advocate to ensure that the service

member and/or family member would be available for ongoing investigation and/or the initiation of any disciplinary procedure.

ISSUE 1.J – MULTI-CULTURAL AND CROSS-CULTURAL COLLABORATIONS

That the DoD –

- As feasible and appropriate, continue to provide promotional materials to advertise family services that use images accurately representing the total military community.

DOD RESPONSE: DoD agrees with this recommendation.

- As feasible and appropriate, provide promotional materials in the language of the groups to be served.

DOD RESPONSE: DoD agrees with this recommendation.

- Encourage installation representatives to coordinate with local organizations serving diverse populations.

DOD RESPONSE: DoD agrees with this recommendation.

- Encourage the input of foreign-born spouses to enhance the design of materials and outreach efforts to increase awareness of domestic violence services for this unique population.

DOD RESPONSE: DoD agrees with this recommendation.

ISSUE 1.K – REVIEW THE ENFORCEMENT OF CIVIL AND CRIMINAL WARRANTS AND ORDERS ON MILITARY INSTALLATIONS

That the DoD –

- Establish a standard policy for the enforcement of warrants and orders on military installations.
 - Include in this policy, protocols that civilian agencies may adopt and procedures that the Services must adopt for the enforcement of civil and criminal warrants and orders on a military installation.
 - Require that these protocols be disseminated to local law enforcement agencies and local court officials.

DOD RESPONSE: DoD agrees to study this recommendation with the staff judge advocate and law enforcement representatives on the DTFDV. While DoD is concerned that some personnel in local civilian law enforcement agencies and courts may be unaware of

installation procedures for enforcing warrants and orders, this problem could be successfully resolved through training and Service oversight of existing Service policy guidance in lieu of a standard DoD policy.

- Evaluate best practices of Services and articulate examples where available.

DOD RESPONSE: DoD agrees with this recommendation.

ISSUE 1.L – INCENTIVES TO ENCOURAGE CIVILIAN LAW ENFORCEMENT/JUDICIAL AGENCIES TO ESTABLISH PARTNERSHIPS WITH MILITARY INSTALLATIONS

That the DoD –

- In conjunction with the [Department of Justice] DoJ’s Violence Against Women Office, create a DoD/DoJ initiative to include, but not be limited to, financial incentives to local civilian law enforcement/judicial agencies to enter into collaborative agreements with nearby military installations. These agreements should specifically address the collection and exchange of information and documents pertaining to all domestic violence incidents, arrests, and court actions that involve military personnel. Further, agreements should explore opportunities for the sharing of training material, programs and other domestic violence related resources.

DOD RESPONSE: While this recommendation should be directed to the Department of Justice, DoD agrees to cooperate fully with such an initiative. Implementation will require careful attention to the applicability of the Privacy Act. For example, the disclosure of information may be limited when an incident has occurred on an installation with exclusively federal jurisdiction and resulted in less than the initiation of a court-martial.

CHAPTER 2

EDUCATION AND TRAINING

ISSUE 2.A – IMPROVE COMMANDING OFFICER AND SENIOR NONCOMMISSIONED OFFICER TRAINING

That the DoD –

- In collaboration with the Military Services and the DTFDV, as well as other domestic violence subject matter experts, use the attached outline of essential subject areas to develop a standard state-of-the-art curriculum for all commanding officers and all key billeted [Senior Noncommissioned Officers] SNCOs. [The outline is set forth on pgs. 53-55 of the report.]

DOD RESPONSE: This is a follow-on recommendation to Issue 2.A in the DTFDV's first report. DoD agrees that commanding officers and key billeted SNCOs should be trained with the same curriculum, and agrees that this outline is a useful starting point for developing such a curriculum. DoD notes that by including tactics of abusers and the effects on children in the definition of domestic violence set forth in section I of the outline on pg. 53, the definition appears to differ from the definition recommended to DoD in Issue 5A, below:

- Explore state-of-the-art training platforms such as DoD WEB-based training as an adjunct to the standard classroom format for training.

DOD RESPONSE: This is a follow-on recommendation to Issue 2.A in the DTFDV's first report. DoD agrees with this recommendation.

ISSUE 2.B – MILITARY CRIMINAL JUSTICE TRAINING

That the DoD –

- Provide all law enforcement first responder personnel with the minimal audio-visual equipment to enhance the investigative process with visual/audio documentation of evidence such as crime scenes, injuries, and excited utterances.

DOD RESPONSE: This is a follow-on recommendation to a recommendation in Issue 2.C in the DTFDV's first report. DoD agrees with this recommendation.

- Provide specialized training in how to properly use/operate the equipment.

DOD RESPONSE: This is a follow-on recommendation to Issue 2.C in the DTFDV's first report. DoD agrees with this recommendation.

ISSUE 2.C – SETTING THE CLIMATE FOR EFFECTIVE PREVENTION OF DOMESTIC VIOLENCE THROUGH A GENERAL AWARENESS CAMPAIGN

That the DoD

- Seek partnerships between organizations with experience in developing domestic violence prevention and education programs, OSD FAP staff and Service Family Advocacy Program Managers (FAPMs), OSD/Service Public Affairs Offices, and the DTFDV to develop a standardized, intensive, and ongoing domestic violence awareness campaign tailored to be relevant and appropriate to the military community. The campaign should be targeted to all active duty service members and their families. Examples could include:
 - Utilizing [Armed {sic} Forces Radio and Television Service] AFRTS to broadcast the dramatization of the problem of domestic violence making use of available “made for television” movies and providing referral resources with public service announcements (PSA).
 - Continue marketing of FAP with ongoing distribution of pamphlets on prevention and awareness about domestic violence in such locations as commissaries/exchange shopping bags, medical treatment facility (MTF) waiting rooms/restrooms, child/youth center facilities, and family centers.

DOD RESPONSE: DoD agrees with this recommendation, and would add that the AFRTS broadcasts of “made for television” movies could include referral resources with internal information spots. DoD notes that the limitations on AFRTS domestic activities may produce dissimilar amounts of broadcast public awareness information for CONUS installations. DoD also notes that the “A” in the abbreviation “AFRTS” stands for “American,” not “Armed.”

- Highlight a senior leadership policy that domestic violence will not be tolerated in the military; the importance of prevention; domestic violence and its relationship to readiness; and, delineate commanding officer responsibilities and accountability.

DOD RESPONSE: DoD agrees with this recommendation.

- Include domestic violence awareness education in the human services module of education in basic officer and enlisted schools.

DOD RESPONSE: DoD agrees with this recommendation.

- Include domestic violence awareness education in all professional military education (PME) schools, local newcomer orientation briefings, commanders’ calls, sergeants’ calls, pre and post deployment briefings, annual military education, and pre-holiday safety briefings.

DOD RESPONSE: DoD agrees to amend DoDD 6400.1 to encourage the Services and commanders to include domestic violence awareness training in such settings.

- Target forums such as the Army's mandatory troop education briefings and the voluntary Better Opportunities For Single Soldiers Program (BOSS), the mandatory Navy's General Military Training (GMT), and the Air Force's First Term Airman Center (FTAC). Awareness education for service members in grades E-1-to E-4 is a critical opportunity to provide domestic violence awareness programs to this high-risk group.

DOD RESPONSE: DoD agrees with this recommendation.

- Emphasize the need to reach those family member spouses residing off the installation, particularly those in isolated [outside the continental U.S.] OCONUS locations to ensure they are aware of prevention programs such as the New Parent Support Program (NPSP), local newcomer's orientations, and other programs specifically tailored for the family, such as Army Family Team Building (AFTB).
 - Target outreach to family members of specific cultural/host nation populations, as these individuals tend to be more isolated and less familiar with the military community.

DOD RESPONSE: DoD agrees with this recommendation.

- Partner with the Department of Defense Education Activity (DoDEA) at [continental U.S.] CONUS installations where there are DoD Domestic Dependent Elementary and Secondary Schools (DDESS) and overseas, [DoD Dependent Schools] DoDDS, to develop general awareness education on domestic violence to include "911" training, and dating violence prevention for teenagers in their health education programs.

DOD RESPONSE: DoD agrees to study this recommendation to ascertain whether or not such education should be included in health education or in another part of the curriculum.

- Ensure that active duty service members assigned overseas continue to have a cultural diversity education component in their orientation to the installation in locations where this is not currently being done. This type of awareness education should include such topics as male-female relationships, specific courtship rituals and covert/overt messages utilized between the genders of the respective culture and country where they are assigned.

DOD RESPONSE: DoD agrees with the intent of the recommendation: to ensure that all active duty service members assigned overseas receive a cultural diversity education component in their orientation to the installation. Every educational program on domestic violence, whether offered CONUS or OCONUS, should include multicultural issues. DoD will consider the recommended topics when formulating such training material.

ISSUE 2.D – STANDARDIZE EDUCATION AND TRAINING PROGRAMS FOR CHAPLAINS

That the DoD –

- Develop a DoD policy on clergy confidentiality clarifying the privilege of communication between the individual and the chaplain.

DOD RESPONSE: DoD agrees with this recommendation. DoD notes that such a policy must take into account statutory requirements to report suspected domestic violence (and/or suspected child abuse concurrent with domestic violence in the family) that vary among the States and nations.

- In collaboration with the Military Services’ chaplain working group and the DTFDV, develop a standardized template of essential domestic violence training areas for all chaplains in their basic officer courses to include the dynamics of domestic violence; the role of the chaplain in responding to domestic violence; and a clear understanding of the privileged communication of clergy.
 - Chaplains who have already completed their basic course of instruction and are subsequently selected for overseas assignments, should receive domestic violence training prior to going overseas.
 - For chaplains who are already overseas and who have not received prior training on domestic violence, a mobile training package should be developed.

DOD RESPONSE: DoD agrees that all chaplains should receive training about domestic violence and the chaplain's role in preventing it and in addressing incidents that occur. The determination of the policy on clergy confidentiality that clarifies the privilege of communication between the individual and the chaplain is critical to the development of the training curriculum, and will need to take into account privileged communications under the Military Rules of Evidence and the laws of the host nation and/or state in which the chaplains are serving.

ISSUE 2.E – FORENSIC MEDICAL TRAINING ON DOMESTIC VIOLENCE FOR HEALTHCARE PERSONNEL IN THE FIRST RESPONDER ROLE

That the DoD–

- Implement medical forensic training for healthcare providers in the first responder roles that is standardized and institutionalized across DoD and should include at a minimum:
 - Knowledge of injury identification and evaluation with the focus on the appropriate identification of “offensive” versus “defensive” injuries.

- How to identify a pattern of injury over time versus the severity and the extent of injuries involved in one incident.
- Knowledge of the physical and mental effects of domestic violence.
- Knowledge of strangulation and the requirement for medical evaluation without exception, serious risk factors, and potential medical consequences of such an injury.
- How to document domestic violence related injuries.

DOD RESPONSE: DoD agrees with this recommendation. Recognizing that at many installations the medical first responders are civilian contractors who provide ambulance and emergency room services, DoD will ensure that future contractual arrangements incorporate such standards and training.

- Explore the state-of-the-art training platforms such as DoD WEB-based forensic medical training on injury evaluation. This should include extensive photographic content that can be easily referred to for comparison with actual presentations to augment face-to-face interactive training that may not be accessible to all healthcare providers, particularly those in OCONUS locations.

DOD RESPONSE: DoD agrees with this recommendation.

CHAPTER 3

OFFENDER ACCOUNTABILITY

ISSUE 3.A – CRIMINALITY

That the DoD –

- Establish a law enforcement protocol for domestic violence investigations that incorporates the best practices outlined above and distribute as a laminated pocket guide. [The best practices are set forth on pgs. 75-76 of the report.]

DOD RESPONSE: This is a follow-on recommendation to Issue 3.A in the DTFDV's first report. DoD agrees with the intent of this recommendation and agrees to consult with leading law enforcement agencies to ascertain their best practices, including ascertaining the bases on which such practices were rated as superior to other practices, and to adapt such best practices to fit the military law enforcement environment. DoD notes that training for domestic violence investigations is already part of the Army's Domestic Violence Intervention Training (DVIT), which is offered to all Services. Such training already incorporates practices of civilian law enforcement that are appropriate for military law enforcement.

- Incorporate the factors that legal officers and commanding officers ought to consider in responding to domestic violence as a crime into appropriate command education offerings.

DOD RESPONSE: This is a follow-on recommendation to Issue 3.A in the DTFDV's first report. DoD agrees with this recommendation.

ISSUE 3.B – CASE MANAGEMENT

That the DoD –

- Incorporate the criteria delineated above into an update of policy for domestic violence case management provisions. [The criteria are set forth on pgs. 80-81 of the report.]

DOD RESPONSE: This is a follow-on recommendation to Issue 3.D in the DTFDV's first report. DoD agrees to update policy for domestic violence case management, but notes that the responsibilities for case management must be carefully allocated among law enforcement, FAP and other mental health professionals, and commanders. Some responsibilities, such as risk assessment, are primarily clinical, and thus must be assigned to licensed professionals.

- Establish policy to formally evaluate for continued service those personnel labeled either repeat offenders or treatment failures.

DOD RESPONSE: This is a follow-on recommendation to Issue 3.D in the DTFDV's first report. DoD agrees with the intent of this recommendation: to ensure that commanders

consider such performance when evaluating the service member's potential for future service after the service member has been identified as likely for early separation due to misconduct. DoD will study whether criteria must be developed to guide commanders in the evaluation.

ISSUE 3.C – FATALITY REVIEWS

(No recommendations)

ISSUE 3.D – TRACKING AND DATA COLLECTION

That the DoD –

- Fully implement [Defense Incident-Based Reporting System] DIBRS at the earliest possible date.

***DOD RESPONSE:* This is a follow-on recommendation, revised by the DTFDV in response to the DoD disagreement with two recommendations in Issue 3.F of the DTFDV's first report. DoD agrees with this revised recommendation.**

ISSUE 3.E – CIVILIAN OFFENDERS

That the DoD –

- Seek to improve civil-military cooperation that fosters safety for victims of domestic violence through cooperative agreements with appropriate authorities.

***DOD RESPONSE:* DoD agrees with this recommendation.**

- Work with the Department of Justice on developing implementation guidance for the Military Extraterritorial Jurisdiction Act of 2000 to ensure the appropriate emphasis is placed on the prosecution of domestic violence cases.

***DOD RESPONSE:* DoD agrees with this recommendation and notes that it began such collaboration soon after the legislation was enacted.**

CHAPTER 4

VICTIM SAFETY

ISSUE 4.A – PROVISIONS FOR LEGAL CONSULTATION AND REFERRAL FOR VICTIMS OF DOMESTIC VIOLENCE

That the DoD –

- Direct the Military Services to advise victims of domestic violence of the legal resources on the installation to include phone number and physical location of the facility, as well as, off base legal assistance and how to access not-for-profit services and private legal assistance.

DOD RESPONSE: DoD agrees that it should provide victims with contact information about legal resources on the installation, and publicly supported legal assistance organizations, local bar associations, and other directories for private legal assistance off the installation.

- Direct the Military Services to document that they have advised victims of legal resources to include date and the information provided.

DOD RESPONSE: DoD agrees with this recommendation.

- Direct the Military Services' legal assistance agencies to review and train their staff on the VAWA [Violence Against Women Act] with specific focus on how it applies to immigration issues related to domestic violence incidents.

DOD RESPONSE: DoD agrees to require the Services to ensure that each installation has personnel knowledgeable about VAWA and its application to immigration issues who are available to assist victims and other personnel and to make appropriate referrals. Such personnel may or may not be assigned to a legal assistance agency.

- Direct the Military Services' legal assistance agencies to review and train their staffs on the Transitional Compensation Program so that victims seeking legal assistance will be provided accurate and timely information on the existence and provisions of the program as well as correct application procedures.

DOD RESPONSE: DoD agrees to require the Services to ensure that each installation has personnel knowledgeable about the Transitional Compensation Program who are available to assist victims and other personnel and to make appropriate referrals. Such personnel may or may not be assigned to a legal assistance agency.

ISSUE 4.B – REMOVAL OF SERVICE MEMBER VICTIM FROM HOUSING FOLLOWING A DOMESTIC VIOLENCE INCIDENT

That the DoD –

- Include the following language in the appropriate DoD Directives: “Immediately following a domestic violence incident in military family housing when separation of family members is warranted, the initial consideration of law enforcement, commanding officers, and/or senior noncommissioned officers (SNCOs) must be the safety of all family members. In nearly all circumstances, removal of the primary offender is the appropriate course of action, regardless of whether this individual is active duty or civilian. Under no circumstances should an active duty victim be removed from housing, as opposed to the civilian offender, simply as a matter of expediency. Children should never be left in the care of a suspected offender.”

DOD RESPONSE: This is a follow-on recommendation from a recommendation in Issue 4.B in the DTFDV's first report. DoD agrees with the intent of this recommendation, but notes that the policy should include consideration of the victim's input as to whether the victim should remain in the military family housing. DoD will draft appropriate language for inclusion in appropriate policy issuances.

- Continue to monitor this issue and assure the appropriate regulations at the DoD and Service levels are changed. Additionally, a policy memorandum from each Service Secretariat may be helpful to send to commanding officers at all levels to address this issue.

DOD RESPONSE: This is a follow-on recommendation from Issue 4.B in the DTFDV's first report. DoD agrees with this recommendation.

ISSUE 4.C – CONFIDENTIAL RESOURCE FOR VICTIMS

That the DoD –

- Collaborate with [National Domestic Violence Hotline] NDVH staff to pursue development of a study assessing efficacy of the marketing and outreach materials used to expand the awareness and utilization of the hotline by military communities.

DOD RESPONSE: This is a follow-on recommendation to Issue 4.C from the DTFDV's first report. DoD agrees with this recommendation, provided resources for the study become available.

- Pursue funding for marketing and outreach materials.

DOD RESPONSE: This is a follow-on recommendation to Issue 4.C from the DTFDV's first report. DoD agrees to study this recommendation.

- Explore feasibility of establishing in-theater military hotlines in overseas areas.

DOD RESPONSE: This is a follow-on recommendation from Issue 4.C in the DTFDV's first report. DoD agrees with this recommendation.

- Collaborate with civilian victim service agencies that would be impacted by military-connected usage.

DOD RESPONSE: This is a follow-on recommendation from Issue 4.C in the DTFDV's first report. DoD agrees with this recommendation, in keeping with other DoD responses to previous DTFDV recommendations in its first report and elsewhere in the current document to increase collaboration with civilian agencies.

ISSUE 4.D – SERVICES TO VICTIMS OF DOMESTIC VIOLENCE

That the DoD –

- Mandate that each Military Service provides and emphasizes a specific Victim Advocate Program. The Task Force will address potential models and funding in the third year report.

DOD RESPONSE: DoD agrees to study the feasibility of the models proposed by the DTFDV in its third report. However, DoD notes that victims of domestic violence have a range of different needs, and any specific model may not meet such needs satisfactorily. DoD expects the DTFDV to provide DoD with the findings from empirical evaluations of the potential models it recommends to DoD, with an indication of the effectiveness of such models with respect the various populations within DoD.

ISSUE 4.E – PARTIAL ENTITLEMENT FOR TRAVEL AND SHIPMENT OF HOUSEHOLD GOODS FOR VICTIMS OF DOMESTIC VIOLENCE

That the DoD –

- Seek statutory authority for the payment of personal travel expenses, shipment of [household goods] HHG and, when overseas, [privately owned vehicle] POV, to the victims of domestic violence when relocating the family member(s) away from the service member offender would be in the best interests of their safety.

DOD RESPONSE: DoD agrees with this recommendation.

- Ensure the partial entitlement includes, at a minimum, the following stipulations:
 - One time entitlement,
 - Initiated at the victim's request,
 - Must be initiated when there is an open family advocacy (FAP) case,
 - Safety planning and counseling required by FAP prior to approval, and
 - The victim and offender reach an agreement of division of household goods.

DOD RESPONSE: DoD agrees to study this recommendation. DoD notes that the inclusion of the phrase “one time entitlement” appears to mean that if the recommendation is enacted into law or by amendment to the Joint Federal Travel Regulation, the victim would receive the entitlement only once even if the victim later divorced the abuser, remarried, and then was subsequently victimized by the new spouse and needed to relocate for reasons of safety. DoD is unclear whether the DTFDV intends such a result.

ISSUE 4.F – VICTIM SAFETY PLANNING

That the DoD –

- Develop and disseminate policy for use of safety plans by the Military Services.

DOD RESPONSE: DoD agrees with this recommendation.

- Adopt the attached safety plan as a template for use in all Military Services that can be tailored to the specific risks in each individual situation. [The safety plan is set forth in pgs. 113-120 of the report.]

DOD RESPONSE: DoD agrees to draft appropriate language consistent with the model provided as a template for the Services to use in safety planning with victims of domestic violence.

- Adopt the attached risk assessment tool entitled “Danger Assessment” as a template for use with victims in all Military Services. [The risk assessment tool is set forth on pgs. 121-122 of the report.]

DOD RESPONSE: DoD does not agree to adopt a particular risk assessment tool as a template at this time, but will consider doing so in the future. Research in the assessment of risk of family violence and in the evaluation of specific tools is continuing, including a DoD joint-Service initiative. DoD agrees that each Service should use an empirically validated tool for assessing and predicting the risk of future domestic abuse and violence.

- Ensure availability of victim advocates to conduct safety planning and risk assessments.

DOD RESPONSE: Consistent with its previous responses to recommendations that DoD ensure that victim advocates are provided everywhere, DoD agrees to study this

recommendation. DoD notes that while victim advocates may be assigned the responsibility for safety planning, the responsibility for assessment of risk must be assigned to licensed professionals only.

ISSUE 4.G – TRANSITIONAL COMPENSATION

That the DoD –

- Recommend that Congress adopt for use and implement the following legislative language:

**Title 10 U.S.C. SEC. 1059 DEPENDENTS OF MEMBERS SEPARATED FOR
DEPENDENT ABUSE: TRANSITIONAL COMPENSATION.**

“(e) Commencement and Duration of Payment. – (1) Payment of transitional compensation under this section –

(A) in case of a member being dismissed, receiving a dishonorable discharge, a bad-conduct discharge; or the member’s commanding officer starts administrative separation action for dependent-abuse, commence 14 days after sentencing if there is a court martial or 14 days after administrative separation action is initiated.

(B) if the service member is adjudicated by a civilian courts system and subsequent administrative separation action is initiated, shall commence 14 days after initiation of such separation action by the service member’s commanding officer.”

“(e) (2) Transitional compensation with respect to a member may be paid for a period of 36 months.”

***DOD RESPONSE:* This recommendation is directed to the Congress. Accordingly, DoD takes no position with respect to this recommendation. DoD notes that the use of the phrase “may be paid” in paragraph (e)(2) of this recommendation, which makes the duration of payments discretionary, contradicts the DTFDV’s discussion of this issue in the third bullet on page 125, which recommended a standard period of time.**

- Develop guidance to ensure that when a service member is separated as a result of a dependent-abuse offense, the commanding officer is knowledgeable and informed regarding the requirement for the victim and the offense to be clearly specified in the separation documentation in order to establish the basis for [transitional compensation] TC.

***DOD RESPONSE:* DoD agrees to develop a mechanism to ensure that when a service member is separated as a result of a dependent-abuse offense both the victim and the offense are clearly specified in the separation documentation in order to establish the basis for transitional compensation.**

- Initiate regulatory guidance to require the Services to monitor the disposition of administrative separations from the time action is initiated (eligibility for TC begins) until the actual date of separation. This is important to ensure that dependent-related abuse is not dropped as a reason for the separation.

DOD RESPONSE: DoD agrees to develop a mechanism to ensure that administrative separations initiated for dependent-related abuse continue to include such dependent-related abuse as a reason for the separation until the actual date of separation.

- Ensure guidance is expanded to allow Service Secretaries to waive the requirements of this statute and approve compensation in those extenuating circumstances where granting TC is consistent with the intent of the law.

DOD RESPONSE: DoD agrees with the intent of this recommendation, but suggests that the Congress must provide specific statutory authority for the Secretaries to waive the requirements of the statute for good cause.

- Initiate an intensive public affairs campaign about the TC Program, utilizing all forms of media. This can be part of the template for a general domestic violence awareness campaign (reference DTFDV initial report, dated February 28, 2001, Chapter 2, Education and Training, Issues 2.F and 2.G, pp 45-48).

DOD RESPONSE: DoD agrees with this recommendation.

ISSUE 4.H – PROVISIONS FOR SAFE SHELTER FOR VICTIMS OF DOMESTIC VIOLENCE

That the DoD –

- Ensure access to billeting or sheltering services or the existence of a memorandum of understanding with a civilian sheltering organization off-site at CONUS installations.

DOD RESPONSE: DoD agrees with this recommendation.

- Ensure access to billeting or sheltering services within a reasonable geographic proximity of all OCONUS installations.

DOD RESPONSE: DoD agrees with this recommendation.

- Establish a policy for all military sponsored shelters (presently, Okinawa and Hawaii) to provide a period of up to 72 hours in which mandatory reporting is not required for adult victims.

DOD RESPONSE: DoD agrees to study this recommendation. DoD is particularly concerned about the potential risks to a victim who chooses to leave the shelter and return home to a potentially unstable situation before the service member's commander could take preventive action, such as issuing an MPO.

- Ensure broad dissemination of information about availability of sheltering services.

DOD RESPONSE: DoD agrees with this recommendation.

- Develop and disseminate policy emphasizing the importance of the victim's self-determination in the process of safety planning. The policy should state clearly that the victim will make the final decision to be located outside his/her home environment.

DOD RESPONSE: DoD agrees with this recommendation.

- Develop and disseminate a policy that all CONUS installation FAP staff will seek out and be knowledgeable of local shelter services.

DOD RESPONSE: DoD agrees with this recommendation.

- Ensure that the funding for both military shelters is reviewed to meet the needs of the communities being served.

DOD RESPONSE: DoD agrees with this recommendation, and has recently reviewed the funding of the Joint Military Family Abuse Shelter (JMFAS) in Hawaii.

- Seek all methods of funding for military shelters to include Military Services relief agencies (Air Force Aid, Army Relief, Navy and Marine Corps Relief Society, etc.).

DOD RESPONSE: DoD agrees to study this recommendation.

CHAPTER 5

PROGRAM MANAGEMENT

ISSUE 5.A – DEFINITION

That the DoD –

- Incorporate the following definition into DoD policy and programs:

Domestic violence is:

- The use, attempted use, or threatened use of physical force, violence, a deadly weapon, sexual assault, or the intentional destruction of property; or
- Behavior that has the intent or impact of placing a victim in fear of physical injury; or
- A pattern of behavior resulting in emotional/psychological abuse, economic control, and/or interference with personal liberty that is directed toward the following: ¹
 - A current or former spouse, or,
 - A person with whom the abuser shares a child in common; or,
 - A current or former intimate partner. ²

¹Persons ineligible for military entitlements will be referred to appropriate civilian services.

² Intimate partner does not include relationships precluded by 10 United States Code 654.

DISSENTING VIEW ON ISSUE 5.A – DEFINITION

- That the Department of Defense adopt the more encompassing term of family violence in lieu of domestic violence (formerly synonymous with spousal abuse only).
- That the Department of Defense adopt “family violence” as the umbrella or overarching term used for the proposed architecture for Department of Defense family advocacy programs which include,
 - Spouse Abuse
 - Child Abuse
 - Parent/Elder Abuse
 - Sibling Abuse
- That the Department of Defense adopt the following definitions with respect to violence and/or abuse (specifically, “family violence” and its relationship to “assault”).

Definition of Family Violence (Minority Recommendation)

- The use, attempted use, or threatened use of physical force, violence, a deadly weapon, sexual assault, stalking, or the intentional destruction of property; or
- Behavior that has the intent or impact of placing a victim in fear of physical injury; or

- A pattern of behavior resulting in emotional/psychological abuse, economic control and/or interference with personal liberty(s) that is directed toward the following:
 - A Spouse, or
 - Children, or
 - Parents or Elders, or
 - Siblings.

Notes: (1) Persons eligible for military entitlements would be referred to appropriate family services.

(2) Persons ineligible for military entitlements would be referred to appropriate civilian services.

(3) A particular act of domestic violence may or may not be criminal for purposes of prosecution.

(4) Economic control and interference with the personal liberties of children may be considered acceptable behavioral discipline.

Acts of Assault (Not Considered Domestic Violence)

The following are relationships that, if violence were to occur, would be considered acts of assault rather than domestic violence.

- A former spouse, or
- A person with whom the abuser shares a child in common (but is not married), or
- A current or former intimate partner, or
- A current or former cohabitant.

Notes: (1) Persons eligible for military entitlements would be referred to appropriate family services.

(2) Persons ineligible for military entitlements would be referred to appropriate civilian services.

DOD RESPONSE: This is a follow-on recommendation from a recommendation in Issue 5.A in the DTFDV's first report. DoD does not accept either the recommended definition or the dissenting definition. Instead, DoD will propose an alternative definition that will address the conduct covered in the DTFDV definition:

DoD does not accept the DTFDV definition for several reasons:

1. The DTFDV recommended definition of "domestic violence" includes (1) violent acts that are offenses under federal law and the Uniform Code of Military Justice (UCMJ), (2) nonviolent acts that are offenses under federal law and the UCMJ, and (3) nonviolent acts that are not offenses under federal law or the UCMJ. Limiting the term "domestic violence" to unlawful violent acts that are offenses will improve the response by DoD law enforcement personnel and will impress upon commanders the need to consider disciplinary action. DoD will also conduct training to impress upon commanders the need to consider disciplinary action for nonviolent acts that are offenses.

2. DoD notes that "behavior that has the intent or impact of placing a victim in fear of physical injury" is an assault, and is therefore an offense under the United States Code or the UCMJ.

3. DoD will propose an umbrella term in lieu of "domestic violence" that conveys the full range of behaviors that DoD seeks to address programmatically through (1) public awareness activities, (2) prevention activities, and (3) appropriate intervention after an incident occurs. Such a term will include both acts that constitute domestic violence and acts that are abusive but are neither violent nor offenses under federal law or the UCMJ.

4. The DTFDV's application of the definition to the specified relationships other than those "precluded by 10 United States Code 654" will not be easily understood by the average service member and the general public. The definition DoD will propose will be more direct.

5. The DTFDV definition does not define "intimate partner" with sufficient clarity. It raises concerns about whether law enforcement personnel and commanders will apply the term to relationships in an objective and consistent manner. In contrast, "a current or former intimate partner" should be limited to a person who shares, or has shared, a common domicile with the alleged abuser. Such a limitation is easier for law enforcement personnel and commanders to apply objectively and consistently. It is also easier for the average service member and the general public to understand. DoD notes that including intimate partners within the scope of those eligible for some FAP services will require study to ascertain whether additional resources are required for FAP.

DoD does not accept the definition proposed by the dissenting view. The dissenting definition has grouped various forms of abusive behavior together under the rubric of "family violence," with the common denominator being a familial relationship. However, "child abuse" is defined in federal and state laws, as well as in DoD policy, as including acts of abuse by a caregiver who is not necessarily a family member. In addition, both federal and state laws pertaining to child abuse include some of the non-familial relationships that the dissenting definition excludes.

ISSUE 5.B – CONFIDENTIALITY

That the DoD –

- In collaboration with the DTFDV and the Military Services, proceed with creating a policy that will provide confidentiality to victims of domestic violence who seek to receive support, information, options, and resources to address the violence in their lives.

DOD RESPONSE: This is a follow-on recommendation from a recommendation in Issue 5.B in the DTFDV's first report. DoD agrees with this recommendation and is continuing to collaborate with the DTFDV in developing a policy with such confidentiality.

ISSUE 5.C – CASE REVIEW COMMITTEE

That the DoD –

- In collaboration with the DTFDV and the Military Services, develop an intervention process model – considering the best practices found in the civilian sector – that:
 - Ensures victim safety.
 - Separates the substantiation decision from clinical recommendations.
 - Provides a range of strategies to hold offenders accountable.

***DOD RESPONSE:* DoD agrees with this recommendation.**

With respect to separating the substantiation decision from clinical recommendations, when an incident of domestic abuse is an offense under federal law or the UCMJ, DoD agrees with the DTFDV that the commander should make or cause to be made the preliminary inquiry into the suspected offenses as authorized by Rule 303 of the Rules for Courts-Martial. DoD agrees that the inquiry should be based on information provided by law enforcement personnel and by other sources as appropriate. DoD is working with the Task Force to address how the substantiation decision should be made when an incident of domestic abuse is not an offense under federal law or the UCMJ. If FAP should be selected as the appropriate office, DoD will study whether such a FAP substantiation decision should be separated from FAP clinical recommendations. DoD generally agrees to study the FAP case review process and to make changes as appropriate.

ISSUE 5.D – OVERSEAS FAMILY ADVOCACY SERVICES FOR DOD CIVILIANS AND CONTRACTORS

That the DoD –

- Ensure that overseas employment contracts or provisions tendered to DoD civilians and contractors contain language explaining that eligibility for family advocacy services at a MTF is on a space available basis. The explanation should articulate that there is a cost fee for services rendered based on the individual's insurance plan.

***DOD RESPONSE:* DoD agrees with this recommendation.**

**RECOMMENDATIONS IN SECTION IV OF THE
SECOND ANNUAL REPORT OF THE DTFDV**

**PREVENTION AND RESPONSES TO DOMESTIC VIOLENCE
AT OVERSEAS INSTALLATIONS**

- DoD should explore all options for hiring and maintaining the mix of providers necessary to assess and intervene in domestic violence incidents overseas.

DOD RESPONSE: DoD agrees with this recommendation.

- [DoD should] Ensure maximum use of treatment/intervention resources in the civilian communities overseas when available and appropriate.

DOD RESPONSE: DoD agrees with this recommendation.

- DoD should ensure that foreign language ability and cultural competence are included in job qualification standards for all personnel providing domestic violence services overseas.

DOD RESPONSE: DoD wants people at all military installations who provide benefits and services, including those who provide domestic violence services, to have proficiency in some foreign language and some understanding of another culture, since military family members from a wide range of nationalities are present at both CONUS and OCONUS installations. The Services devote significant efforts to ensure that a family member who is not proficient in English or who is from a different culture can receive benefits and services, including domestic violence services, using interpreters and people at the installation who have an understanding of relevant cultural issues. DoD will continue to support these efforts through appropriate means, including the use of active duty and civil service personnel, contractors, and volunteers.

However, the recommendation would significantly impede DoD in carrying out its mission. First, since some domestic violence services are provided by active duty personnel, a requirement for combined foreign language proficiency and cultural competence may conflict with both mission requirements and military assignment policies. Second, even if civil service qualifications for overseas positions that provide domestic violence services could include foreign language and cultural competence, civilian personnel policies require rotation from OCONUS installations to CONUS installations after five years. Such requirements could impair DoD's ability to fill the ensuing vacancy and thus to maintain "the mix of providers necessary to assess and intervene in domestic violence incidents overseas" as is recommended above. Finally, any tests of cultural competence that should be required of applicants for positions that provide domestic violence services would need to be reviewed for feasibility.

- DoD should ensure that the Services have an ongoing cultural competence training program for all personnel in overseas locations.

DOD RESPONSE: DoD agrees that all personnel who provide services to victims of domestic violence OCONUS should undergo cultural competence training, but disagrees that such a training program must be provided for all personnel OCONUS.

PART II

DOD RECONSIDERATION OF ITS RESPONSE TO RECOMMENDATION 4.B IN THE INITIAL REPORT OF THE DTFDV

In its first report, the DTFDV included the following recommendation:

Issue 4B -- Removal of Service Member Victim from Housing Following a Domestic Violence Incident

That the DoD –

- Develop and disseminate policy at the DoD level on who should be removed following a domestic violence incident in military housing.
- Ensure the paramount and overarching goal of victim safety is achieved by the identification of the “primary aggressor” by law enforcement first responders that will necessitate specialized training in domestic violence; but will significantly enhance their ability to identify the real victim.

DOD RESPONSE: DoD agrees with the first recommendation and will amend DoD Instruction 6400.1 accordingly. DoD agrees with the requirement in the second recommendation that law enforcement first responders have specialized training in responding to situations of domestic violence, especially in removing the appropriate individual from the home and the range of options that provide safety to the victim of the incident and children in the home. DoD disagrees with the requirement in the second recommendation that law enforcement first responders identify a "primary aggressor" and the "real victim."...

In its second report, the DTFDV requested that DoD reconsider its response, and provided extensive DTFDV comments on the issue.

AMENDED DOD RESPONSE: DoD has reviewed the DTFDV comments and agrees to study this recommendation with the DTFDV, and particularly with the staff judge advocate, attorney, and law enforcement members of the DTFDV.